

SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA
2010 OCT -7 AM 11:40
JEANNE HICKS, CLERK
BY: B. Chamberlain

ARIZONA SUPERIOR COURT
YAVAPAI COUNTY

STATE OF ARIZONA,

No. P13⁰⁰CR20081339

Plaintiff,

Vs.

STEVEN CARROLL DEMOCKER,

Defendant,

VERIFIED PETITION TO UNSEAL RECORDS AND COURT PROCEEDINGS, and
MOTION TO JOIN IN ORAL ARGUMENT

COMES NOW the Petitioner pro se, William E. (Bill) Williams, and respectfully requests the Court unseal records and proceedings in the above captioned matter, and allow Petitioner to participate in oral argument which was motioned for by Western News & Info, Inc. in its October 5 filing.

As grounds for the motion, Petitioner states:

1. I am a practicing journalist, holding a Masters degree in Journalism from Iowa State University, and am paid to supply articles to news organizations including recent publications in the Phoenix Examiner.com.
2. I am a resident of Yavapai County.
3. I am a full time student in Yavapai College's Paralegal Program.
4. I share the same concerns as Western News & Info, Inc. and incorporate its October 5 arguments herein.

BACKGROUND

Petitioner, William E. (Bill) Williams, is researching the DeMocker case for three reasons, a) for potential use in his Paralegal Studies program, b) for use as material for free lance articles, c) for use as information for a book.

Petitioner has been in discussions with agents of Publish America, LLP regarding publishing a book on the DeMocker case. Representatives of Publish America have asked Petitioner to supply up to three sample chapters on the case, knowing that the trial may last well into the future.

Petitioner must take numerous courses in Paralegal Studies at Yavapai College and plans to use the DeMocker trial as research for class assignments or extra credit.

Petitioner will publish articles about the case on the Phoenix Examiner.com website.

Petitioner attempted to view sealed records on line in the Yavapai County court e-system but was denied. He also asked the Records Clerk for a hard copy and was denied.

Petitioner sought comments and information about the case from Yavapai County employees but was denied.

ARGUMENT

Petitioner incorporates Western News & Info, Inc's Argument in full herein, in specific, its argument for First Amendment freedoms, the public's right to know, and the absence of this Court's Findings that there is a compelling interest to seal or close the records.

In addition, Petitioner could be financially harmed by not being allowed to report or write, in a freelance or contractual way, on the DeMocker case. And to conduct thorough and adequate research on the case, requires access to all the records.

Full access to County staff opinions about the case is of paramount importance as well. A refusal to supply information or opinion to Petitioner by a County Attorney or detective impedes the Petitioner's ability to conduct thorough research, yet phone calls have not been returned and no comments have been issued to the Petitioner, by County staff who appear to believe some sort of gag order is in place. A Court opinion clarifying this matter is requested.

Perhaps of most relevance is the fact that ABC News 20/20's producer Andrew Paparella paid hundreds of dollars to obtain court records in this case prior to the Court's sealing of documents. An attorney for Western News & Info, Inc. was hired by Paparella to obtain those records. Paparella is a former subordinate of mine in the WYOU TV Newsroom in Scranton, PA.

This acquisition of records creates a question of fairness to all journalists not allowed such access. The Court has "let the horse out of the stable" and, in the same way the New York Times handled the Pentagon Papers, Paparella could choose to distribute those documents to multiple news organization or reporters, or he could refuse to share based on competitive reasons. We all know the favorable rulings in the N.Y. Times case(s). Because the horse was let out of the stable for one reporter, this Court must allow others the same access to the stable to choose the horse that best aids their project.

Cameras in the DeMocker courtroom have been allowed, and I believe but have not witnessed: ABC News and NBC's Dateline are recording video during trial by way of

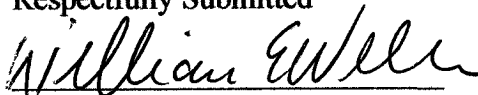
a "pool" video camera. If so, they are creating essentially their own digital files of the trial. This constitutes an unfair access to proceedings and records not afforded to other journalists such as this Petitioner.

REQUEST FOR RELIEF

For the foregoing reasons, Petitioner respectfully moves the Court to:

1. Allow Petitioner join in oral argument in the potential hearing requested by Western News & Info, Inc.
2. Allow Petitioner full access to case records.
3. Allow Petitioner to take notes in court.
4. Allow Petitioner to take still photographs in court.
5. Clarify to County staff whether or if the Court is imposing a gag order.
6. Or, in the alternative, issue Findings of Fact and Conclusions of Law that support either sealing records or imposing gag orders.

Respectfully Submitted



William E. (Bill) Williams

Petitioner pro se

824 W Gurley St

Ste 129

Prescott, AZ 86305

(928) 227-2438

(816) 804-4162 cell

I certify that a copy of the foregoing was sent to Defendant's attorney and the Yavapai County Attorney.

William E. Williams
William E. (Bill) Williams

SUBSCRIBED AND SWORN to before me this 7th day of October, 2010.

B. Chamberlain
~~Notary Public~~ Deputy Clerk

My commission expires:
